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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,991	02/18/2004	Kazumasa Tsukamoto	939_057	3312
25191	7590	11/01/2005		
BURR & BROWN PO BOX 7068 SYRACUSE, NY 13261-7068			EXAMINER STONE, JENNIFER A	
			ART UNIT 2636	PAPER NUMBER

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

(X)

<b>Office Action Summary</b>	<b>Application No.</b> 10/780,991	<b>Applicant(s)</b> TSUKAMOTO, KAZUMASA	
	<b>Examiner</b> Jennifer A. Stone	<b>Art Unit</b> 2636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>June 15, 2004</u> . | 6) <input type="checkbox"/> Other: ____.  |

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 3 and 4 recite the limitation "the predetermined area" in line 5. There is insufficient antecedent basis for this limitation in the claims.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Wischerop et al. (US 5,955,951).

For claim 1, Wischerop discloses a stuck state detection seal comprising: a sealing base member to be stuck to an article (Fig. 3, items 50, 58; col 5, ln 32); and a sealing surface member to be stuck to said article being overlapped on said sealing base member (Fig. 3, items 52, 54; col 5, lns 29, 30); wherein a stuck state detection means for detecting a stuck state between said sealing base member and said sealing surface member and for generating a stuck state signal that represents the detected stuck state (col 8, lns 23-30; Fig. 6, items 110-114), and a stuck state signal transmission means for transmitting said stuck state signal are provided between said sealing base member and said sealing surface member (Fig. 4, item 76, lns 63-67).

For claim 2, Wischerop discloses the stuck state detection means includes: a switching means for switching operation depending upon a stuck state between said sealing base member and said sealing surface member; a switched state signal generating means for generating a switched state signal corresponding to the switching operation of said switching means, and a control means for generating a stuck state signal corresponding to the switched state signal that is generated (col 5, lns 56,57; Fig. 3, item 64; Fig. 4, items 70, 72, 76; col 50-59).

For claim 3, Wischerop discloses a takeout state signal transmission/reception means for transmitting and receiving a takeout state signal representing whether an article with the seal is authorized to be taken out from a predetermined area is provided between said sealing base member and said sealing surface member (col 2, lns 58-61; Fig. 1, item 14; col 7, lns 66, 67; col 8, lns 1-5, 23-28, and 35-43).

For claim 4, a takeout state signal transmission/reception means for transmitting and receiving a takeout state signal representing whether an article with the seal is authorized to be taken out from a predetermined area is provided between said sealing base member and said sealing surface member (col 5, lns 56, 57).

For claim 5, the stuck state detection system for detecting, in a predetermined area, the stuck state between the sealing base member and the sealing surface member of the stuck state detection seal, wherein a stuck state signal reception means for receiving a stuck state signal transmitted from said stuck state detection seal is provided (col 8, lns 22-27 and 45-48). The transponder is considered the receiving means, for it receives an interrogation signal from the reader (Fig. 5, item 26).

For claim 6, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 5 as stated above.

For claim 7, the claim is interpreted and rejected for the same reasons as stated in the rejections of claims 5 and 6 as stated above. In addition, Wischerop discloses a takeout state signal transmission means for transmitting a takeout state signal to the takeout state signal transmission/reception means in said stuck state detection seal (Fig. 4, item 64; col 54, Ins 56-63); a takeout state signal reception means for receiving a takeout state signal transmitted from said takeout state signal transmission/reception means (Fig. 4, item 64; col 54, Ins 56-63), and a judging means for judging whether the takeout of the article stuck with the seal is permitted or not based upon the takeout state signal received by said takeout state signal reception means (Fig. 6, item 20; col 8, Ins 35-43), wherein the stuck state is detected based on the stuck state signal received by said stuck state signal reception means and unauthorized takeout of said article stuck with the seal is prevented based on the judgment by said judging means (col 8, Ins 45-50).

For claim 8, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 7 as stated above.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Senba et al. (US 2004/0074974) discloses an RFID tag with a surface member that overlaps a base member and includes a transmission and reception circuit sandwiched between both members.

Bowers et al. (US 6,195,006) discloses EAS tags to prevent unauthorized removal of the tags from merchandise or the merchandise from a store.

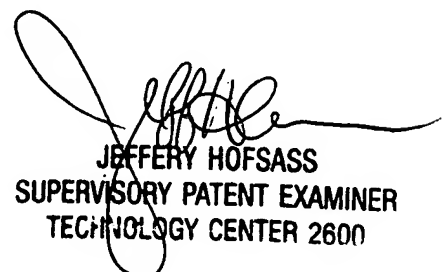
Zarembo et al. (US 5,447,219) discloses an EAS tag that includes numerous layers for the prevention of unauthorized removal of the tags from merchandise or the merchandise from a store.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer A Stone whose telephone number is (571) 272.2976. The examiner can normally be reached on M-F from 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass, can be reached at (571) 272.2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jennifer Stone  
October 19, 2005

  
JEFFERY HOFSSASS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600